



Attorney's Docket No.: ROS5313.01A2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

KENNETH ROSE

For (title):

SCALABLE PREDICTIVE CODING METHOD AND APPARATUS

1. **Type of Application**

(check all applicable)

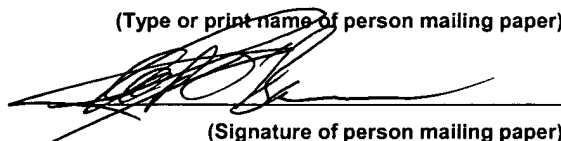
- ☒ Utility
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation of PCT designating US
- ☐ Continuation-in-part (CIP)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date 5/2/04 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352303566US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

John P. O'Banion

(Type or print name of person mailing paper)



(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" label placed thereon prior to mailing. 37 CFR 1.10(b).

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

15 Pages of specification

4 Pages of claims

1 Pages of Abstract

9 Sheets of drawing

X formal

— informal

— The enclosed drawing(s) include photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

**3. Additional papers enclosed**

X Preliminary Amendment

X Information Disclosure Statement by Applicant

X Citations

**4. Declaration Or Oath**

X Enclosed

executed by:

X inventor(s)

X Copy from a prior application (37 CFR 1.63(d)) (divisional or continuation only)

— Not Enclosed. Application is made by a person authorized under 37 CFR 1.41(c) on Behalf of all of the above named inventor(s).

**5. Inventorship Statement**

The inventorship for all the claims in this application are:

X The same

or

— Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

— is submitted.

— will be submitted.

**6. Language**

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

**7. Assignment**

☐ An assignment of the invention to: \_\_\_\_\_

☐ is attached. A separate "ASSIGNMENT COVER LETTER ACCOMPANYING NEW PATENT APPLICATION" is also attached.

☐ will follow.

**8. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120 or 121)**

☒ Applicant(s) hereby claim(s) the benefit of the filing date of the following prior U.S. Application(s):

- (a) Application History (title as originally filed and as last amended, serial number, and filing date of all prior applications):

Title: SCALABLE PREDICTIVE CODING METHOD AND APPARATUS  
Ser. No.: 09/216,096  
Filed: 12/18/1998

Name of applicant(s) (as originally filed and as last amended), and current correspondence address of applicant(s):

Name: KENNETH ROSE  
Address: 12650 Watts Tree Farm Road  
OJAI, CA 93023

- (b) Application History (title as originally filed and as last amended, serial number, and filing date of all prior applications):

Title: SCALABLE PREDICTIVE CODING  
Ser. No.: 60/068,331  
Filed: 12/19/1997

Name of applicant(s) (as originally filed and as last amended), and current correspondence address of applicant(s):

Name: KENNETH ROSE  
Address: 12650 Watts Tree Farm Road  
OJAI, CA 93023

**9. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

(complete applicable item (a) or (b) below)

- (a)   X   This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

  X   the same

       less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

Name:

Name:

Name:

- (b)        This application discloses and claims additional disclosure and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above, the inventors in this application are

       the same

       add the following inventors

Name:

Name:

Name:

**10. Fee Calculation (37 CFR 1.16)**

CLAIMS AS FILED							
	Number filed		Number Extra		Rate		Basic Fee \$ 770
Total							
Claims 37 CFR 1.16(c)	2 - 20	=	0	X	\$18	=	
Independent							
Claims (37 CFR 1.16(b))	2 - 3	=	0	X	\$86	=	
Multiple dependent claim(s), if any (37 CFR 1.16(d))				+	\$290	=	

  X   Amendment canceling extra claims enclosed.

       Amendment deleting multiple-dependencies enclosed.

       Fee for extra claims is not being paid at this time.

**Filing Fee Calculation**      \$       770

**11. Small Entity Statement**

☒ Applicant qualifies as a small entity under 37 CFR 1.9 and 1.27

Filing Fee Calculation (50% of **A, B** or **C** above) \$ 385

**12. Fee Payment Being Made At This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can/will be paid subsequently.)

☒ Enclosed

☒ basic filing fee \$ 385

☐ recording assignment (\$40.00; 37 CFR 1.21(h)) \$           

Total Fees Enclosed \$ 385

**13. Method of Payment of Fees**

☒ Check in the amount of \$ 385

☐ Charge Account No.            in the amount of \$           .  
A duplicate of this transmittal is attached.

**14. Instructions As To Overpayment**

☐ credit Account No.           

☒ refund

**15. Incorporation By Reference of Papers Identified Herein**

Applicant(s) hereby incorporate(s) by reference all papers which are identified in this New Application Transmittal.

**16. Correspondence Address**

Please use the following correspondence address for all communications:

**CUSTOMER NUMBER 8156**

**John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010**

**17. Signature of Attorney**

Dated: 7/2/04

  
SIGNATURE OF ATTORNEY

John P. O'Banion, Reg. No. 33,201

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

First Preliminary Amendment

is being deposited with the United States Postal Service on 02 APRIL 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352303566US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION

**(Type or print name of person mailing paper)**

  
**(Signature of person mailing paper)**

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

Citations (8)

is being deposited with the United States Postal Service on 02 APRIL 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352303566US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION

**(Type or print name of person mailing paper)**

  
  
**(Signature of person mailing paper)**

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

U.S. Patent Application

1. Specification (pages 1-15)
2. Claims (pages 16-19)
3. Abstract (page 20)
4. Drawings (sheets 1-9)

is being deposited with the United States Postal Service on 02 APRIL 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352303566US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION

(Type or print name of person mailing paper)

A handwritten signature in black ink, appearing to read 'John P. O'Banion', written over a horizontal line.

(Signature of person mailing paper)



**CERTIFICATION UNDER 37 CFR 1.10**

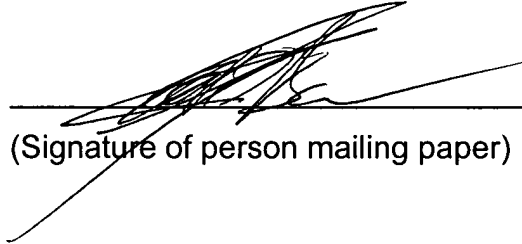
I hereby certify that the foregoing:

Information Disclosure Statement by Applicant

is being deposited with the United States Postal Service on 02 APRIL 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV352303566US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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